UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL DEANDRE WILLIAMS,

      Plaintiff,

v.   Civil Action No. 2:19-cv-00067

TINA FOUTS-SNEED, J.T.
BINION, JESSICA THORNHILL,
ANNA HAGER, MOLLY NORVELLE,
JOCELYN PONCIANO, NURSE
RUTHANA (LNU), and KIM (LNU),
Kitchen Administrator,

      Defendants.

<u>ORDER</u>

Pending before the court is the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Dwane L. Tinsley. ECF No. 81.

The Magistrate Judge recommends dismissing "the claims against [d]efendants Anna Hager, Molly Norvelle, Jocelyn Ponciano, Nurse Ruthanna (LNU), and Kim (LNU), Kitchen Administrator, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure." <u>Id.</u> at 4.

In reviewing a PF&R, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Upon the filing of an objection to a PF&R, the court "shall make a <u>de novo</u> determination of those portions of the report or specified
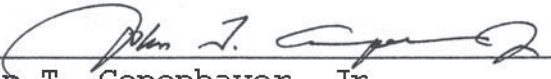
proposed findings or recommendations to which objection is made." Id. Failure to object to a PF&R constitutes waiver of de novo review, in which case the court reviews the PF&R for clear error. See Fed. R. Civ. P. 73 Advisory Committee notes.

There being no objections to the PF&R and the time for filing objections having elapsed, it is ORDERED that the PF&R be, and hereby is, adopted by the court and incorporated herein. It is, therefore, ORDERED as follows:

1. Defendants Anna Hager, Molly Norvelle, Jocelyn Ponciano, Nurse Ruthanna (LNU), and Kim (LNU), Kitchen Administrator, be DISMISSED without prejudice from this matter pursuant to Rule 4(m) of the Federal Rules of Civil Procedure; and

2. This matter shall remain referred to Magistrate Judge Tinsley for further proceedings.

The Clerk is directed to transmit copies of this order to any unrepresented parties, all counsel of record, and the United States Magistrate Judge.

ENTER: January 31, 2024

John T. Copenhaver, Jr.
Senior United States District Judge

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